

### REMARKS

Claims 1-18 are pending. Claims 1-11 and 14-18 are rejected. Claims 12 and 13 are objected to. Claims 2-6 and 9-13 are amended. Claims 1, 8, and 14-18 are canceled. Claims 19-21 are added. Reconsideration and allowance of Claims 2-7, 9-13, and 19-21 are respectfully requested.

#### Disclosure Objections

The specification is objected to because of informalities in paragraphs 0028 and 0031. In response thereto, paragraphs 0028 and 0031 are amended in accordance with the Examiner's helpful comments.

#### Allowable Subject Matter

Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form to include the limitations of the rejected base claim and any intervening claims.

Claim 12 is amended to include the limitations of base Claim 8, and is therefore now allowable over the cited references.

Claim 13 is amended to include the limitations of base Claim 8, and is therefore now allowable over the cited references.

#### Rejection of Claims under 35 USC §102 (Frisch)

Claims 1-3, 8, 10-11, and 14-15 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,144,159 to Frisch et al.

Claims 1, 8, and 14-15 are canceled, and thus their rejections are now moot.

Applicant respectively traverses the rejections of Claims 2-3 and 10-11.

Claims 2-3 are amended to depend from Claim 4, which as discussed below is believed to be allowable over the cited references, and therefore Claims 2-3 distinguish over the cited references for at least the same reasons as Claim 4.

Claims 10-11 are amended to depend from Claim 12, which as indicated above is allowable over the cited references, and therefore Claim 10-11 distinguish over the cited references for at least the same reasons as Claim 12.

Rejection of Claims under 35 USC §102 (Guritz)

Claims 1-4, 8, 10-11, and 14-15 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,142,118 to Guritz.

Claims 1, 8, and 14-15 are canceled, and thus their rejections are now moot.

Applicant respectively traverses the rejections of Claims 2-4 and 10-11.

Applicant's Claim 4, as amended, recites:

A power up reset circuit, comprising:  
a comparator having first and second inputs and an output;  
a plurality of first diode connected transistors connected in series  
between the first input node and a power supply voltage;  
a first resistor connected between the first input node and ground  
potential;  
at least one second diode connected transistor or at least one resistor  
divider coupled between the second input and ground potential; and  
a reset signal generated at the output when the voltages at the first and  
second inputs are approximately the same.

Guritz fails to disclose or suggest the power up reset circuit of Applicant's Claim 4.

Guritz discloses a power up reset circuit having a first input coupled to a first circuit 18 and a second input coupled to a second circuit 20, where various examples of circuits 18 and 20 are shown in Guritz's Figs. 3a, 4a-4c, and 5a-5b, as noted by the Examiner. The Examiner states that "when Fig. 4c is used as the circuit coupled to the first input of the comparator, it comprises a first plurality of diode connected transistors T5, T6, and claim 4 is anticipated." Applicant disagrees.

Guritz's Fig. 4c shows diode connected transistor T5 coupled between the power supply (Vcc) and the first comparator input, and diode connected transistor T6 coupled between the first comparator input and ground potential. In contrast, Applicant's Claim 4 recites "a plurality of first diode connected transistors connected in series between the first input node and a power supply voltage," and "a first resistor connected between the first input node and ground potential."

Thus, while the Examiner seems to equate Guritz's diode connected transistors T5 and T6 with "the plurality of first diode connected transistors" recited in Applicant's

Claim 4, Guritz's transistor T5 corresponds to "the plurality of first diode connected transistors" of Applicant's Claim 4, and Guritz's transistor T6 corresponds to "the first resistor connected between the first input node and ground potential" of Applicant's Claim 4. Accordingly, Guritz fails to disclose a comparator having "a plurality of first diode connected transistors connected in series between the first input node and a power supply voltage," and "a first resistor connected between the first input node and ground potential," as recited in Applicant's Claim 4.

To anticipate a claim under 35 USC §102, each and every element of the claim must be disclosed in a single reference<sup>1</sup>. The exclusion of a claimed element, no matter how insubstantial or obvious, from a prior art reference is enough to negate anticipation under 35 USC §102.<sup>2</sup> Thus, because Guritz fails to disclose or suggest a power up reset circuit that includes "a plurality of first diode connected transistors connected in series between the first input node and a power supply voltage," and "a first resistor connected between the first input node and ground potential," as recited in Applicant's Claim 4, Claim 4 is not anticipated by Guritz. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 4.

Applicant notes that because the recitation of "a first resistor connected between the first input node and ground potential" in Claim 4 appears in original Claim 8, the amendment of Claim 4 does not introduce new matter, and therefore does not necessitate a new search by the Examiner.

Claims 2-3 depend from Claim 4 and therefore distinguish over the cited references for at least the same reasons as Claim 4.

Claims 10-11 depend from Claim 12, which as indicated above is allowable, and therefore Claims 10-11 distinguish over the cited references for at least the same reasons as Claim 12.

#### Rejection of Claims under 35 USC §102 (Chevallier)

Claims 1-3, 6, and 14-17 are rejected under 35 USC §102(b) as being

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<sup>1</sup> Corning Glass Works v. Sumitomo Electric, 9 USPQ2d 1962, 1965 (Fed. Cir. 1989).

<sup>2</sup> Connell v. Sears, Roebuck & Co., 220 USPQ 193, 198 (Fed. Cir. 1983).

anticipated by U.S. Patent No. 6,229,352 to Chevallier et al.

Claims 1 and 14-17 are canceled, and thus their rejections are now moot.

Applicant respectively traverses the rejections of Claims 2-3 and 6.

Claims 2-3 and 6 depend from Claim 4 and therefore distinguish over the cited references for at least the same reasons as Claim 4.

#### Rejection of Claims under 35 USC §103

Claims 4-7, 9, and 16-18 are rejected under 35 USC §103(a) as being unpatentable over Frisch.

Claims 16-18 are canceled, and thus their rejections are now moot.

Applicant respectively traverses the rejections of Claims 4-7 and 9.

The Examiner notes that Frisch fails to disclose a plurality of diode connected transistors, and then states that it “would have been obvious to one of ordinary skill in the art to replace each of the single diode connected transistors (24 and 36) of Frisch with a corresponding plurality of diode connected transistors coupled in series, thus rendering claims 4 and 5 obvious.” Applicant disagrees.

The PTO has the burden of establishing a prima facie case of obviousness under 35 USC §103. It must show that some objective teaching in the prior art generally held by one of ordinary skill in the art would lead an individual to combine the relevant teachings of the references<sup>3</sup>. It is well settled that there must be some reason or motivation in the art to combine or modify references when making a prima facie case of obviousness under 35 USC 103. Thus, absent some teaching in the art to modify a reference, the Examiner has failed to establish a prima facie case for obviousness. Accordingly, since the Examiner has failed to point to any language in the cited references that teaches or suggests “a plurality of first diode connected transistors connected in series between the first input node and a power supply voltage,” as recited in Applicant’s Claim 4, Claim 4 is patentable over the cited references.

Claims 5-7 depend from Claim 4 and therefore distinguish over the cited references for at least the same reasons as Claim 4.

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3 In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

Claim 9 depends from Claim 12, which as indicated above is allowable, and therefore Claim 9 distinguishes over the cited references for at least the same reasons as Claim 12.

#### Rejection of Claims under 35 USC §103

Claims 5-7, 9, and 16-18 are rejected under 35 USC §103(a) as being unpatentable over Guritz.

Claims 16-18 are canceled, and thus their rejections are now moot.

Applicant respectively traverses the rejections of Claims 5-7 and 9.

Claims 5-7 depend from Claim 4 and therefore distinguish over the cited references for at least the same reasons as Claim 4.

Claim 9 depends from Claim 12, which as indicated above is allowable, and therefore Claim 9 distinguishes over the cited references for at least the same reasons as Claim 12.

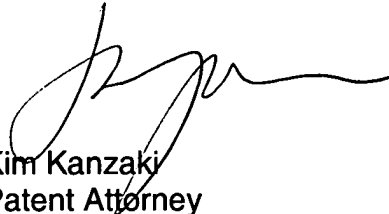
#### New Claims

New Claims 19-21 depend from Claim 13, which as indicated above is allowable, and therefore Claims 19-21 distinguish over the cited references for at least the same reasons as Claim 13.

CONCLUSION

In light of the above remarks, it is believed that Claims 2-7, 9-13, and 19-21 are in condition for allowance and, therefore, a Notice of Allowance of Claims 2-7, 9-13, and 19-21 is respectfully requested. If the Examiner's next action is other than allowance as requested, the Examiner is requested to call the undersigned at (408) 879-6149.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on November 5, 2004.

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